

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

RICHARD GRANT,

DOC #: _____

DATE FILED: 5/15/08

S1 07 Cr. 1119 (CM)

Defendant.

x

ORDER CONTINUING HEARING

McMahon, J.:

Defendant's motion to "reopen" the suppression hearing (which is not yet over, since I am continuing to accept argument from both sides) is granted.

I was actually thinking about reopening the hearing so that Investigator Murphy could be recalled, to answer a few questions from the court. In view of the fact that I wish to hear from Investigator Murphy, there is no reason not to permit defendant to explore the issue he wishes to explore – which, I might add, could prove most enlightening to the court in this "he said/he said" case. I am interested in having all the information I can obtain before I issue my ruling.

I will hear further evidence in this matter at 10:00 AM on Wednesday, June 18, 2008.

The Government shall produce Investigator Murphy, but may NOT have any contact with him other than to notify him that he is to appear. In particular, the Government may not discuss the issue of "pedigree" that appears on the consent to search form, Government Exhibit 1, with Investigator Murphy prior to the hearing. If the Government has already discussed this issue with Investigator Murphy, it shall so notify the Court and opposing counsel and produce any 3500 material associated with that contact at least two business days prior to the hearing.

Dated: May 15, 2008


U.S.D.J.

BY ECF TO ALL COUNSEL